The Honorable Ricardo S. Martinez 1 2 3 4 5 6 7 8 9 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE 10 11 ROBERT KENNY, 12 No. 2:15-cv-02037-RSM Plaintiff, 13 v. STIPULATION OF DISMISSAL WITH 14 PACIFIC INVESTMENT MANAGEMENT PREJUDICE AND WITHDRAWAL OF COMPANY LLC, a Delaware limited liability ALL PENDING MOTIONS 15 company; PIMCO INVESTMENTS LLC, 16 Defendant. 17 18 19 20 21 22 23 24 25 26 STIPULATION OF DISMISSAL RICHARDSON PATRICK

WITH PREJUDICE AND WITHDRAWAL OF PENDING **MOTIONS** (No. CV 14-1987-RSM)

KELLER ROHRBACK L.L.P.

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Plaintiff Robert Kenny ("Plaintiff") and Defendants Pacific Investment Management Company LLC and PIMCO Investments LLC (collectively, "Defendants"), through their undersigned counsel of record, hereby stipulate and agree as follows:

The parties hereby withdraw from the Court's consideration their pending cross-motions for summary judgment and all briefing, declarations, exhibits, and supporting materials offered in support thereof. For the avoidance of doubt, pursuant to LCR 5(g)(6), in light of their withdrawal, the parties request that material currently filed under seal remain sealed. The docket entries withdrawn from consideration are ECF Nos. 151, 152, 153, 154, 155, 156, 157, 160, 161, 162, 163, 165, 169, 177, 178, 179, 180, 181, 185, 187, 188, 189, 192, 193, 194, 195, 196, 198, 199, 202, 203, 204, 205, 207, 208, 211, and 231.

The parties further stipulate and agree that, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), this action should be, and hereby is, dismissed with prejudice and without costs awarded by the Court to any party.

Although the parties agree that this stipulation of dismissal is effective "without a court order," Fed. R. Civ. P. 41(a)(1)(A), a proposed Order is enclosed in light of the parties' withdrawal of their cross-motions for summary judgment.

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STIPULATION OF DISMISSAL WITH PREJUDICE AND WITHDRAWAL OF PENDING **MOTIONS** (No. CV 14-1987-RSM) - 1

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WITH PREJUDICE AND

(No. CV 14-1987-RSM) - 2

MOTIONS

WITHDRAWAL OF PENDING

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[PROPOSED] ORDER

Pursuant to stipulation by the parties, and for good cause shown:

- 1. The parties' pending cross-motions for summary judgment and all briefing, declarations, exhibits, and supporting materials offered in support thereof are hereby **WITHDRAWN** from consideration, including ECF Nos. 151, 152, 153, 154, 155, 156, 157, 160, 161, 162, 163, 165, 169, 177, 178, 179, 180, 181, 185, 187, 188, 189, 192, 193, 194, 195, 196, 198, 199, 202, 203, 204, 205, 207, 208, 211, and 231.
- 2. Any material referenced in paragraph (1) that was filed under seal shall **REMAIN SEALED** and shall not be unsealed.
- 3. The case is **DISMISSED WITH PREJUDICE** pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

IT IS SO ORDERED this ____ day of ____ 2018.

Hon. Ricardo S. Martinez

United States District Judge

STIPULATION OF DISMISSAL WITH PREJUDICE AND WITHDRAWAL OF PENDING **MOTIONS** (No. CV 14-1987-RSM) - 3

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	(No. CV 14-1987-RSM) — 4		

STIPULATION OF DISMISSAL WITH PREJUDICE AND WITHDRAWAL OF PENDING MOTIONS (No. CV 14-1987-RSM) – 5

CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses indicated on the Court's Electronic Mail Notice List.

s/ Tana Lin

Tana Lin, WSBA #35271

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